

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION**

ROBERT TROHA and FREDERICK BIGNALL	)	
on behalf of themselves and all others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	Civil Action No. 05-191-E
THE UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

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**JOINT MOTION TO EXTEND TIME FOR FILING CROSS MOTIONS FOR PARTIAL  
SUMMARY JUDGMENT ON LIABILITY**

Plaintiffs, Robert Troha and Frederick Bignall, for themselves and all others similarly situated, and Defendant, the United States of America, through counsel, jointly move for an extension of time of approximately two weeks to file their cross motions for partial summary judgment on liability. In support of their Motion, the parties aver:

1. Under the current scheduling order, Plaintiffs are to file their motion for partial summary judgment on or before November 22, 2006. Defendant is to file its motion for partial summary judgment no later than December 22, 2006.
2. The parties believe that issues related to liability may be adjudicated by the Court through cross motions for partial summary judgment on liability.
3. In order to allow the Court to rule on the parties cross motions, the parties seek to submit a joint statement of facts and a joint appendix with their motions.
4. A joint statement of facts and a joint appendix will allow the parties to brief the legal issues premised upon the same factual assertions. As a result, the motions of the parties will be

shortened and focused on the issues of law before the Court.

5. The proposed joint statement of facts and joint appendix will facilitate the Court's ruling on summary judgment by eliminating the existence of genuine issues of material fact.

6. The parties believe that they will be able to agree upon a joint statement of facts and a joint appendix by December 8, 2006.

7. Based upon the additional time necessary to prepare and finalize a joint statement of facts and a joint appendix, the parties seek to extend the time for filing their respective summary judgment motions as follows: (A) Plaintiffs' motion for summary judgment to be filed no later than December 8, 2006; (B) Defendant's response to Plaintiffs' motion for summary judgment and Defendant's cross-motion for summary judgment to be filed no later than January 12, 2007; (C) Plaintiffs' reply brief to be filed no later than February 9, 2007; and (D) Defendant's reply brief to be filed no later than February 23, 2007.

8. The parties jointly submit the attached proposed order reflective of all dates to be extended.

Respectfully submitted,

Dated: November 21, 2006

s/David A. Cohen  
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Dated: November 21, 2006

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